

Amendment A

Application No. 10/710,449

Amendment Dated February 10, 2005

Reply to Office Action of November 15, 2004

Attorney Docket No.: 716919.78

**REMARKS**

Applicant's attorney acknowledges with appreciation, the courtesy extended to him by the Examiner during the interview of the subject application. No formal agreement was reached. However, in a discussion of the points of distinction of the present invention over the cited references, the Examiner acknowledged there was invention.

In accordance with the Examiner's wishes, the claims have been amended to more clearly define its structure.

Deak discloses a thermocouple device for use with a turbine to measure the temperature of the heated gas flowing through the turbine. It was pointed out to the Examiner that there is no seal between the carrier and the thermocouple in the Deak device. In fact, quite to the contrary, the device is constructed to permit the flow of gas between the inside of the turbine and the outside of the turbine in a flow path between the thermocouple and the carrier. Additionally, Deak has the thermocouple and carrier in fixed relationship relative to the turbine housing. Both of these features are contrary to the present invention and in fact the teaching of Deak teaches away from the present invention at least on these two factors.

The Examiner argued that Fig. 5 of Deak showed a movable thermocoupling carrier. It was pointed out to the Examiner that the spring 36 Fig. 5 was to help retain the bayonet at mount 35 locked. It was also pointed out that the spring 36 would be designed to provide enough force to prevent any movement of the thermocouple device 10 which could only move under pressure from the turbine. Since the pressure of the turbine is not likely directly controlled, the bayonet

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mount would at best act as a pressure relief, something which is not desirable in a gas pipeline.

However, the spring 36 would not act upon a command as would the present invention. Claim 1 has been amended to provide that there is a connector that is adapted to connect the carrier to some means for effecting the selective extension and retraction. The present invention shows in one embodiment, a piston cylinder which would effect the selective extension and retraction.

Other devices may also be used. In fact, a person could effect the extension and retraction manually by manipulation of the defined connector. The line pressure from the pipeline can be used to effect extension of the carrier and thermocouple into the pipeline and retraction therefrom by having the back side of the probe device exposed to atmospheric pressure.

Pipelines to which the device may be attached operate at high enough pressures where the line pressure could be used to move the probe to its retracted or out position.

More details of the seal between the sensor device and the carrier have been added to the claim. The Examiner's position was that one portion of the sensor device and a portion of the carrier of Deak are in engagement with one other and there is a "partial seal" therebetween. It is submitted that the Examiner is in error in this position; however, Claim 1 and the claims depending therefrom have all been amended by providing more detail of the seal device.

Dailey discloses a thermocouple device for use in what appears to be a catalytic cracker device. It was pointed out to the Examiner that there is no seal between the thermocouple and the carrier because the carrier is sealed and does not have the through flow holes in the carrier as does Deak. Therefore, there is no need for a seal. In the event of a leak through the carrier, there

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is both a pressure release and a device for attaching to a remote monitoring device to indicate that the pressure has increased in the thermocouple support tube. The pressure may then be released. As was pointed out in the prior (parent) application, on which this application is based, it is not clear how the Dailey thermocouples are replaceable in the carrier at least given the scale of the drawings. Ends of the T connector are removable to provide access to the inside of the T but it is not clear how, unless the T is very large, which is not disclosed, how one would insert or extract thermocouples from their respective carrier tubes inside the support tube. Thus, the teachings of Dailey do not make up for the deficiencies of the teaching in Deak and, thus, even when combined, do not teach the present invention.

With the amendments to the claims, as discussed above, it is believed that the claims are now in a condition for allowance and formal allowance of said claims is respectfully solicited.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

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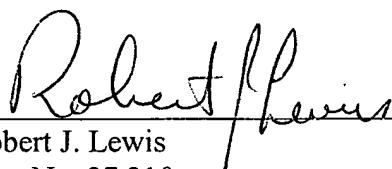
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Respectfully submitted,

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